



**STATEMENT OF PROCEEDINGS FOR THE
SPECIAL MEETING OF THE
PROBATION OVERSIGHT COMMISSION
WORKING GROUP
KENNETH HAHN HALL OF ADMINISTRATION
500 WEST TEMPLE STREET, ROOM 374
LOS ANGELES, CALIFORNIA 90012**

Wednesday, October 19, 2016

12:00 PM

Audio for the Entire Meeting (16-5406)

Attachments: [Audio](#)

Call to Order.

Chair Chodroff called the meeting to order at 12:07 p.m. Self introductions were made.

Present: Chair Carol Chodroff, Vice Chair Alex Johnson, Gabriella Holt and Don Meredith

Absent: Jose Osuna

I. ADMINISTRATIVE MATTERS

1. Meeting Schedule. (16-4206)

Chair Chodroff reviewed the remaining meeting schedule. Chair Chodroff reiterated that the day for reviewing the final recommendations is November 9, 2016.

Attachments: [Meeting Schedule 11-4-16](#)

Town Hall Meetings - Schedule and Location. (16-4014)

Chair Chodroff reviewed the Town Hall meeting schedule and Members confirmed their attendance.

Attachments: [TOWN HALL MEETING SCHEDULE Oct 2016](#)

II. DISCUSSION

2. Discussion of the information obtained from the Meeting of October 26, 2016, pending reports and next steps. (16-3493)

The Working Group Members discussed the presentations from Fabian Debora, Director of Substance Abuse Treatment and Programs, and Founder and Director of La Clase Art Academy, and reiterated his valuable work with the youth and the community. Vice Chair Johnson reiterated Fabian's mention of "cultural competency" and the importance of being able to interact with the youth on a level that they can relate to and having good role models from those who have come through the system.

The Working Group Members also discussed the information provided by Sharon Harada, Probation Dept. Bureau Chief, Carol Biondi, At Large Community Representative, and Patricia Soung, Children's Defense Fund, on behalf of the JJCC. Vice Chair Johnson reiterated the information provided relative to JJCPA, specifically the monies that have not yet been allocated from the fund and the deficiency in the funding of viable Community Based Organizations, and the need to have a budget monitoring mechanism available to the new Oversight Commission.

The Working Group Members indicated that the information that was provided by the Youth Justice Coalition would be seriously considered and commented on the valuable work that the YJC has been providing re-entry youth.

The Working Group Members discussed at length the budget process and requested CEO's input as to the process. Anna Hom Wong, CEO's Office, informed the Working Group that there are three budget phases: Recommended Budget which is adopted in April; Final Budget which is adopted in June; and then the adoption of the Supplemental Budget in September. Dardy Chen, CEO, indicated that the Oversight Commission budget process should probably be part of the Probation Department's budget. Amalia Lopez, Probation Department, informed the Working Group of the process for budget submittal by the Probation Department and the timeline in which to make recommendations to the CEO.

Chair Chodroff indicated that the strategic plan for the Probation Department, both adult and juvenile, should be aligned with the budget to enhance transparency and to ensure that funds are being appropriately applied to viable programs. Mr. Chen suggested that

budget discussions should begin with the Budget Deputies. Vice Chair Johnson stated that there is a difference between policy and practice and suggested that the process of how the Oversight Commission can work within the budget development by the Department needs to be carefully considered.

Member Meredith indicated that there needs to be transparency on where the money is being spent and on what types of programs, especially in light of the unallocated funds by JJCPA. Ms. Lopez reiterated the timeline in which the budget needs to be analyzed by the Oversight Commission in order to make a recommendation to the Budget Deputies in a timely manner.

- 3. Discussion of and processes for review of the "Working Document Recommendations" which contain draft recommendations and/or comments of the Working Group Members and/or other sources relating to the creation of a Probation Oversight Commission. (16-3746)**

The Working Group Members discussed the Draft Recommendations and made minor language revisions beginning with V. e) The Oversight Commission Must Have Access to Complete Files to Conduct Its Oversight Work." The Title was revised to read: "The Oversight Commission Must "Have Access to Complete Files to the Extent Allowable by Law to Conduct Its Oversight Work." Member Meredith indicated that the two critical issues are the personnel records, and having access to speak with the juveniles. Chair Chodroff indicated that the collaboration between all the entities that work with the youth should be able to share information, and personal information can be redacted in order to protect the privacy of the juveniles, or some other manner in which youths, and adults, are not identified. Chair Chodroff proposed that perhaps information can be accessed through data sharing.

V.f) "The New Commission Should be a Voting Member of CCJCC" Chair Chodroff posed the question to the Working Group if a member of the proposed Oversight Commission should be a voting member of CCJCC. The consensus among the Working Group was affirmative. Member Meredith offered to work on strengthening the language of this item.

V.g) "Oversight of JJCPA funding" Chair Chodroff inquired if there is a way to recommend a structure that does not unwittingly lead to accelerated supervision of the youth by the Probation Department when it can be done more effectively by a Community Based Organization (CBO). Chair Chodroff voiced her concern regarding the disconnect between the funding of CBOs by JJCPA and the oversight of the youths upon re-entry.

Chair Chodroff suggested that perhaps the issue could be fully addressed by the split between the adult and juvenile oversight. Member Holt cited the provisions under the Welfare Institution Code relative to delinquency prevention commission, and highlighted that the broad spectrum of the code under 233 and 235 allows for the oversight of delinquency prevention which may provide some leeway of the proposed Oversight Commission to conduct oversight of resources including the budget, and discussion ensued. Chair Chodroff polled the Working Group if oversight of the Probation Department's budget should be included in the recommendations to the Board of Supervisors. The Working Group concurred. Member Meredith added that the oversight is to assist the Probation Department and not to direct them.

Vice Chair Johnson advised that the Board of Supervisors may have to adjust their Board Policy relative to the budget if there is an additional review of the budget by the proposed Commission prior to it going before the Board for approval.

Anna Hom Wong, CEO's Office, informed the Working Group of the budget process and timing. Amalia Lopez, Probation Department, inquired as to how the process would work. Member Meredith offered the suggestion that review of where money is being spent and how would be analyzed prior to the budget recommendations going before the Board, and discussion ensued.

Ms. Lopez informed that in order to do a proper budget evaluation, the actuals from the prior year would need to be assessed prior to the Recommended Budget being finalized. The Probation Department's budget is routinely compiled in August and September, forecasting is done in October and November for the upcoming year and it is submitted to the CEO for review by January. Chair Chodroff indicated that the Working Group does not want to add another level, but perhaps there is a way that the proposed Commission can be included in the budget process. Member Meredith suggested that review of the budget be done at the time it is being developed.

Ms. Lopez suggested that the proposed Commission agendaize the budget review in August to meet the Supplement Budget in September. Dardy Chen, CEO's Office, clarified that it would be the proposed Oversight Commission along with the Probation Department who crafts the budget together and then the regular budget process will be followed up to the CEO's office and the Board. The Working Group concurred. Ms. Lopez

outlined a timing process for which the Working Group concurred.

V.h) "Oversight Over Treatment of Low Risk Youth" Member Holt indicated that she will review the language and return to the Working Group with any revisions.

V. i) "Oversight Over Reentry Services" Vice Chair Johnson suggested that the language be revised to strengthen the use, review and funding of CBOs. Member Holt inquired as to how CBO services are monitored by the Probation Department. Ms. Lopez advised that contracts are obtained through the Request for Proposal process and monitored by the Quality Assurance Services Bureau, on an annual basis. Ms. Lopez indicated that she will obtain a report of the current CBOs in place and what type of reviews are routinely done. Ms. Lopez also advised that outcomes of specific programs will be analyzed in Dr. Schumacher's report relative to his Juvenile Probation Outcome Study. The Working Group concurred that language should be strengthened to clearly define the oversight relative to the use of CBOs.

V.j) "Oversight Overs Assessment and Screening" No changes of this item were made. Chair Chodroff will review the language and report back to the Oversight Board regarding this item.

V.k) "Capital Improvements" No changes of this item were made. Vice Chair Johnson will review the language and report back to the Oversight Board.

V.l) "The CERC Quarterly Report Should Serve as a Model" This item was deleted from the Recommendations.

V.m) "Need for Independence of an Oversight Commission" Vice Chair Johnson suggested that the title be strengthened to read "Need for Independent Civilian Oversight Commission." Location and staff was also discussed. Chair Chodroff will revise the language and report back to the Working Group.

V.n) "Recommendation re: Separate Oversight Commission" The Working Group discussed framing various options for the Board of Supervisors' consideration along with their noted preference. The Working Group discussed the structure of the proposed Commission with core competencies within the composition designated, such as expertise in health and mental health, juvenile delinquency prevention, adult judicial system, etc. Chair Chodroff requested that the Working Group Members

prepare a list of core competencies. Member Meredith suggested that there should be distance from law enforcement employment by 12 months.

V.o) "Oversight Should be Divided Into Two Areas: (1) Monitoring and (2) Practice, Development and Accountability" Vice Chair Johnson indicated that after the monitoring and practice is outlined, then staffing needs should be considered. The Working Group deferred this item to the next meeting.

V.p) "Reporting Authority" No changes of this item were made.

V.q, r and s) "Inclusion of the Courts in Oversight (of adult and juvenile)"; "There must be Community Involvement in Oversight"; and "DCFS and the Department of Mental Health Should be Included in Collaborative Oversight Discussions" The Working Group Members will review individually and return to the next meeting with their recommendations.

V.t and u) "Role of the Ombudsman"; and "Qualifications of Oversight Commissioners" Chair Chodroff indicated that she will discuss these items with the Working Group Members at her one-on-one meetings, and will revise the language and report back to the Working Group as a whole at a future meeting.

Vice Chair Johnson inquired if terms for appointees should be outlined, along with core competencies for staff such as a Budget Analyst, Executive Director and the appropriate compensation. Discussion ensued relative to the drafting of the bylaws.

After discussion, on Common Consent, duly carried by the following vote, the Working Group accepted the stated revisions to the Working Document Recommendations:

Ayes: 4 - Chair Carol Chodroff, Vice Chair Alex Johnson,
Gabriella Holt and Don Meredith

Absent: 1 - Jose Osuna

Attachments: [Working Document Recommendations as of 10-18-19](#)

The Working Group recessed at 1:55 p.m. and reconvened at 2:17 p.m. with all Members present except Member Osuna who was absent.

III. PRESENTATION- 2:00 P.M.

4. Presentation by Joe Gardner, Chair, Probation Commission. (16-4956)

Joe Gardner, Chair of the Probation Commission and Jacqueline Caster, Member of the Probation Commission addressed the Working Group. Chair Gardner answered questions prepared by the Working Group beforehand and referenced the two documents which had been provided to the Working Group i.e., a letter to the Board of Supervisors by Chair Gardner regarding improvement to the Probation Department and a Memo dated October 7, 2016 relating to the Probation Commission's work from the previous nine months.

Chair Gardner highlighted the legal authority under the Welfare and Institutions Code 240 which states that a probation commission is mandatory and has a permanent status, with the added requirement that it can serve as the juvenile justice commission. The Probation Commission was chartered under Article 4, Section 14 of the Los Angeles County Charter. There have been various statutory requirement discussions and various perspectives as to the Probation Commission's authority. In 2006 an opinion from County Counsel indicated that the authority of the Probation Commission was to serve as an advisory body to the Chief Probation Officer. In November 2006, the Legislative Counsel indicated that the Commission had far reaching authority beyond just advisory. The Probation Commission, therefore, has included in their responsibilities the inspection of the camps and juvenile facilities. Chair Gardner indicated that 24 inspections have been conducted in the past nine months of the thirteen facilities.

Chair Chodroff inquired as to follow-up. Chair Gardner indicated that the Probation Commission issues their report and that they request a 30 day response to concerns and issues defined within the report. Vice Chair Johnson inquired as to the follow-up if the 30 day report is not responded to. Chair Gardner indicated that they will escalate up to the Board Deputies if there is a serious matter that needs attention. There is also an annual report to the Board of Supervisors, the Department and the State Bureau of Corrections. Chair Chodroff inquired as to the inspections if there is a standard protocol that is being utilized. Chair Gardner indicated that a State hand book is utilized by himself which he utilizes regularly. Member Meredith inquired if all the Commission Members who go out

on inspections write their own reports. Chair Gardner responded that they do not.

Jacqueline Caster, Probation Commission, addressed the Working Group and indicated that sometimes on inspection an item may come to light that takes up the remainder of the inspection time and a follow-up visit is required to complete the inspection of the whole facility, which is documented. Commissioner Caster indicated that Commissioners will go out in teams. Chair Gardner indicated that he may go out and do periodic visits on his own within his jurisdiction. Chair Chodroff inquired if a follow-up visit is conducted to determine if an issue has been remedied. Chair Gardner indicated that they do trust the Probation Department but if possible the Commission will verify if the condition has been corrected. Chair Chodroff inquired how the Commission becomes aware of issues, is it based on inspection only. Chair Gardner indicated that some issues come to light during Probation Commission meetings.

Member Meredith inquired if the Probation Commission is aware of a culture of retaliation against filing grievances. Commissioner Caster indicated that she received comments from juveniles on three instances at three different locations, but she was not able to substantiate the claims. Member Meredith inquired as to the unresponsiveness from the Ombudsman's Office. Chair Gardner informed that there was a non-functioning phone line that was discovered on inspection and it appears to be an ongoing issue. Amalia Lopez, Probation Department, informed that she was aware that a line was inadvertently disconnected; however, it has been corrected. Meredith inquired to activity during the day whereby juveniles are inactive without anything to do. Chair Gardner indicated that the issue has been observed during inspection. Commissioner Caster indicated that Camp Challenger is trying to bring in college classes to the Camp to alleviate inactivity.

Member Meredith inquired as to discrimination against Transgender Youth. Chair Gardner indicated that through investigation it was determined that a male transgender youth was provided the same diet as a female; however, it was insufficient for his body build. Commissioner Caster indicated that dietary changes have been made, and proper identification of the youth as they identify themselves is also extremely important. Chair Chodroff inquired as to training around the LGBT youth. Ms. Lopez indicated that she will look into the matter and report back.

In response to a question, Chair Gardner indicated that there is not formalized training. However, the California Parole and Corrections Association has indicated that they will be happy to provide specialized training for the Commission which will take place within the next few months. In addition, the Commission's Bylaws are currently being reviewed by Counsel and revised.

Chair Chodroff inquired as to what type of training would be helpful. Chair Gardner indicated that training on inspections would be helpful. Member Meredith inquired as to Transitional Age Youth. Chair Gardner indicated that the Commission is trying to work with the Department of Mental Health to provide training on various issues. Vice Chair Johnson inquired as to how a response from the Department on a particular issue is compelled. Chair Gardner indicated that it would happen through the assistance of the Justice Deputies or directly from the Board of Supervisors.

Chair Gardner indicated that a Memorandum of Agreement with the Probation Department would be helpful in order to compel compliance, along with the Office of Inspector General if that becomes part of the oversight.

Chair Chodroff inquired as to youth which cross over into other departments such as Health and Mental Health, DCFS, LACOE, etc. Chair Gardner indicated that the Commission does have interaction with LACOE, Health and Mental Health, Justice Deputies, Interim Chief Probation Officer, BSCC and others. Chair Gardner indicated that there is no interaction with other investigative bodies such as the Sybil Brand Commission and that information is not shared between the entities.

Member Meredith inquired if there is an ongoing staff to assist the Probation Commission. Chair Gardner indicated that there is not. However, the Probation Commission will receive assistance from Probation staff. Member Meredith inquired as to the appropriate number of Commissioners for the proposed Commission. Chair Gardner indicated that there should be enough Commissioners to oversee the Department and investigate and monitor the camps, halls, and group homes.

Chair Gardner advised that the current focus of the Commission is investigation not necessarily oversight of the whole Department. Vice Chair Johnson inquired *if* there were professional staff to do the

investigation would there need to be a large Commission structure with 15 Members. Chair Gardner indicated that the Commission would have the ability to assess the whole Department with professional staff and the number of Commissioners currently seated, i.e. 15. Commissioner Caster indicated that it would be helpful to see if there is a consistent issue across facilities, and discussion ensued relative to resources and staffing.

In response to a question Chair Gardner indicated that the Commission reports to the Board of Supervisors but are supported and credentialed by the Probation Department, with each Commissioner going through an extensive background check. Chair Gardner indicated that it would be beneficial to have a stand-alone Commission that was not under the Department other than to gain access to the camps, and discussion ensued relative to the structure of the Commission, processes and conflict of interest.

Member Meredith inquired as to the Commission's preference as to the separation of the juvenile/adult probation. Chair Gardner indicated that whatever the structure ultimately is that it should be comprehensive for both the juvenile and adult needs.

Chair Gardner and Commissioner Caster concurred that there should not be another Commission with overlapping goals and responsibilities of the existing Commission, but rather strengthening the current Probation Commission with resources and authority. Chair Gardner added that it might be beneficial to sunset those entities that have the task of investigating and monitoring the halls, camps and group homes, however, have no authority to compel compliance.

Additional discussion ensued relative to the structure, sub-committees, compensation and the importance of a Memorandum of Agreement, public transparency and a viable footprint in the community, budget resources, staff, media, and meeting space with the Hall of Administration.

Attachments: [Questions for Probation Commission](#)

IV. MISCELLANEOUS

5. Matters not on the posted agenda, to be discussed and (if requested) referred to staff or placed on the agenda for action at a future meeting, or matters requiring immediate action because of an emergency situation or where the need to take action came to the attention of the Probation Oversight Working Group subsequent to the posting of the agenda. (16-2018)

Discussion ensued with County Counsel regarding the authority of the proposed Oversight Commission relative to the Juvenile Justice Commission.

In addition, Chair Chodroff requested that the Memo from the Probation Department regarding Flash Incarceration be added to the meeting of October 26, 2016 to be discussed with the Working Document Recommendations.

6. Opportunity for members of the public to address the Working Group on items of interest that are within the subject matter jurisdiction of the Working Group. (16-3289)

There was none.

7. Adjournment of the Meeting of Wednesday, October 26, 2016. The next regular meeting is scheduled for Wednesday, November 9, 2016 at the Kenneth Hahn Hall of Administration, Room 374 at 12:30 p.m. Note: A Special Meeting is scheduled for Friday, November 4, 2016 at 9:30 a.m. in Room 372, Kenneth Hahn Hall of Administration. (16-4210)

The meeting of October 19, 2016 adjourned at 4:08 p.m. The next Regular Meeting is scheduled for October 26, 2016 in Room 374, Kenneth Hahn Hall of Administration at 12:30 p.m.